

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SAM HARGROVE
individually and on behalf of all others
similarly situated,

Plaintiffs,
v.

SLEEPY'S LLC,
Defendant.

Civil Action No. 10-cv-01138 (PGS)

ORDER

Whereas, this matter is before the Court on two motions for summary judgment -- one brought by Defendant Sleepy's Inc. (ECF No. 144), and the other brought by Plaintiffs Marco Eusebio, Andre Hall, Sam Hargrove concerning the relationship between Sleepy's LLC and Plaintiffs; (ECF No. 145); and a motion to strike the declaration of Tito Viteri (ECF No. 159); and

Whereas, the Court having considered the submissions of the parties and having heard oral argument; and for good cause having been shown;

IT IS on this 25th day of October, 2016;

ORDERED that for the reasons set forth on the record on this date, Defendant Sleepy's LLC's motion for summary judgment that Plaintiffs are independent contractors is denied (ECF No. 144); and it is further

ORDERED that Plaintiffs Marco Eusebio, Andre Hall and Sam Hargrove's motion for ~~partial~~ summary judgment that Plaintiffs are employees is granted (ECF No. 145); and it is further

ORDERED that the motion to strike (ECF No. 159) is denied as moot.


PETER G. SHERIDAN, U.S.D.J.